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DATE January 15, 2004

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TO Examiner Vy Q. Bui	703-308-2708	703-306-3420
Group Art Unit 3731	703-872-9303	
TC3700		
United States Patent and Trademark Office		

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FROM Jeffrey S. Smith (650) 849-4800 (650) 849-4422
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PAGES (including this cover page): 9

RE U.S. Patent Application Serial No. 09/522,724
 Filed: March 10, 2000
 Title: SYSTEMS AND METHODS FOR DEPLOYING A BIOSENSOR WITH A STENT GRAFT
 Applicant: Lone Wolinsky
 Assignee: Remon Medical Technologies Ltd.
 Attorney Docket No.: 247/212 (7015272001)

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Sheila Henriquez

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Name of Person Certifying: *Sheila Henriquez*

Printed Name: Sheila Henriquez

Enclosed:

- Transmittal (1 pg.);
- Response to final Office Action (7 pgs.).

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DATE January 15, 2004

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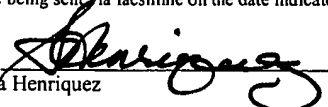
RE U.S. Patent Application Serial No. 09/522,724
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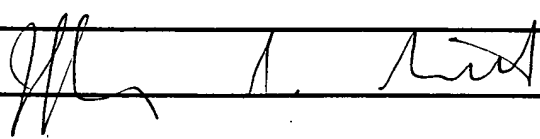
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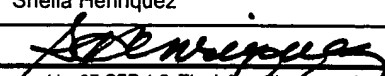
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/522,724
		Filing Date	March 10, 2000
		First Named Inventor	Lone Wolinsky
		Art Unit	3731
		Examiner Name	Vy Q. Bui
Total Number of Pages in This Submission	8	Attorney Docket Number	247/212 US (7015272001)

ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply (7 pgs). <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="text-align: center;">Fax Cover Sheet to Examiner</p>		
<table border="1"> <tr> <td>Remarks</td> <td></td> </tr> </table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bingham McCutchen LLP
Signature	Jeffrey S. Smith, Reg. No. 39,377 
Date	January 15, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
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Signature		Date	January 15, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No.: 09/522,724
Amdt. dated January 15, 2004
Reply to final Office action of November 18, 2003

Patent
Docket No.: 247/212 US
7015272001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/522,724
Applicant: Lone Wolinsky and Avi Penner
Assignee: Remon Medical Technologies Ltd.
Filing Date: March 10, 2000
Title: SYSTEMS AND METHODS FOR DEPLOYING A BIOSENSOR WITH A STENT GRAFT

Examiner: Bui, Vy Q.
Group Art Unit: 3731

Attorney Docket No.: 247/212 (7015272001)

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AMENDMENT AFTER FINAL REJECTION

Dear Sir:

In response to the final Office action mailed November 18, 2003, please amend this application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A stent graft, comprising:
a tubular prosthetic graft comprising an outer surface;
a support structure expandable between a contracted condition for facilitating introduction into a blood vessel, and an enlarged condition for securing the graft across a weakened region of the blood vessel; and
a biosensor attached to at least one of the graft and the expandable support structure, the biosensor comprising a pressure sensor having at least a portion exposed to a region external to the stent graft to sense pressure beyond the outer surface of the graft within the weakened region of the blood vessel when the graft is secured within the blood vessel.
2. (Previously Presented) The stent graft of claim 1, wherein the biosensor is directly attached to an outer surface of the graft such that the pressure sensor is exposed outside the graft.
3. (Original) The stent graft of claim 2, wherein the biosensor is attached to the graft by sutures or an adhesive.
4. (Original) The stent graft of claim 1, wherein the biosensor is directly attached to struts comprising the support structure.

5. (Original) The stent graft of claim 1, wherein the support structure comprises a self-expanding stent.

6. (Original) The stent graft of claim 1, wherein the support structure comprises a balloon-expandable stent.

7-20 (Canceled)

21. (Previously Presented) The stent graft of claim 1, wherein the weakened region of the blood vessel comprises an aneurysmal sac, and the biosensor is configured for sensing a pressure within the aneurysmal sac when the graft is secured within the blood vessel.

22-24. (Canceled)

25. (Previously Presented) The apparatus of claim 4, wherein the support structure is attached to an inner surface of the graft, and wherein the biosensor is mounted in a hole through the graft such that the pressure sensor is exposed outside the graft.

26. (Canceled)

27. (New) The apparatus of claim 1, where in the biosensor comprises means for converting acoustic energy received from an externally originated signal into a current supply for powering one or more sensors embedded in the biosensor.

REMARKS

Claims 1-6, 21, 25 and 27 are pending. Claims 1-2 and 21 stand rejected under 35 U.S.C. § 102(e) based on U.S. Patent No. 6,159,156 issued to Van Bockel ("Van Bockel"). Claims 3-6 and 25 stand rejected under 35 U.S.C. § 103 based on Van Bockel in view of U.S. Patent No. 5,967,986 issued to Cimochoowski, et al. ("Cimochoowski").

Claim 1 stands rejected based on Van Bockel.

Van Bockel discloses:

A device 1, 10 according to the present invention is especially suitable for measurement of pressure within an aneurysmal sac 20 in an artery 21, for example an artery in the abdomen of a human body, as shown in FIG. 3.

An aneurysm is dangerous to the health of a human or animal since rupture of especially an artery would lead to internal bleeding with possible lethal consequences. In order to negate this risk endoprosthesis are used for bridging an aneurysm. In FIG. 3 a tube endoprosthesis is shown, positioned within an artery 21. The endoprosthesis 22 comprises a flexible, closed wall 23, and is provided fully or at both ends with a stent 24a, 24b. A first end 25 of the endoprosthesis is positioned within the artery 21 at the upstream side of the aneurysm 20, by means of the stent 24a, the second end 26 at the opposite, downstream side of the aneurysm by means of the second stent 24b. An endoprosthesis of this type is known in the state of the art and is for example manufactured under the registered trademark Vanguard by the Meadox Boston Scientific Corporation, USA. However, all kinds of endoprosthesis can be used, for example a tube, bifurcated, uni- or bilateral prosthesis. A device 1, 10 according to the present invention is introduced into the aneurysmal sac 20 between the wall 27 of the aneurysmal sac and the endoprosthesis 22. In FIG. 3 a device 1 according to FIG. 1 is positioned left of the endoprosthesis, within clotted blood in the aneurysmal sac. In the same FIG. 3 a device 10 according to FIG. 2 is positioned within the aneurysmal sac 20, right of the endoprosthesis 22, and is attached to the endoprosthesis by means of the hook means 11. These positions are only shown in one figure for elucidation purposes and might normally not be combined. Other means for positioning a device according to the present invention within an aneurysmal sac or a blood vessel can be used in any suitable manner.

(Col. 4, line 62 through Col. 5, line 28). Van Bockel does not disclose “a biosensor attached to at least one of the graft and the expandable support structure, the biosensor comprising a pressure sensor having at least a portion exposed to a region external to the stent graft to sense pressure beyond the outer surface of the graft within the weakened region of the blood vessel when the graft is secured within the blood vessel,” as recited in amended claim 1. Therefore, Applicants respectfully submit that claim 1 is patentable over Van Bockel. Given that claims 2-6, 21 and 25 depend from claim 1, these claims are also believed patentable over Van Bockel for at least this same reason.

Claims 3-6 and 25 stand rejected based on Van Bockel in view of Cimochoowski.

Van Bockel does not disclose “a biosensor attached to at least one of the graft and the expandable support structure, the biosensor comprising a pressure sensor having at least a portion exposed to a region external to the stent graft to sense pressure beyond the outer surface of the graft within the weakened region of the blood vessel when the graft is secured within the blood vessel,” as recited in amended claim 1.

Cimochoowski discloses:

FIG. 19 illustrates an integrated circuit (IC) sensor 220 mounted on a stent body 222, so that the IC sensor overlies a sensor window opening 224 in the stent body. Conductive adhesive or solder drops 228 couple the IC sensor contacts to the stent body (or to conductors that are coupled to one of the electronic assemblies shown in FIGS. 1-6). A biocompatible coating 226 encloses the IC sensor, except in the area of the sensor window opening through which the IC sensor is in contact with the fluid flowing through the lumen of the stent.

(Col. 22, lines 50-59). Cimochoowski does not disclose “a biosensor attached to at least one of the graft and the expandable support structure, the biosensor comprising a pressure sensor having

at least a portion exposed to a region external to the stent graft to sense pressure beyond the outer surface of the graft within the weakened region of the blood vessel when the graft is secured within the blood vessel,” as recited in claim as amended.

Even if Van Bockel and Cimochoowski were combined, the combination would neither teach nor suggest “a biosensor attached to at least one of the graft and the expandable support structure, the biosensor comprising a pressure sensor having at least a portion exposed to a region external to the stent graft to sense pressure beyond the outer surface of the graft within the weakened region of the blood vessel when the graft is secured within the blood vessel,” as recited in amended claim 1. Therefore, applicants respectfully submit that claim 1, as amended, is patentable over Van Bockel in view of Cimochoowski. Given that Claims 3-6 and 25 depend from claim 1, applicants submit that these claims are patentable over Van Bockel in view of Cimochoowski for at least this same reason.

Appl. No.: 09/522,724
Amdt. dated January 15, 2004
Reply to final Office action of November 18, 2003

Patent
Docket No.: 247/212 US
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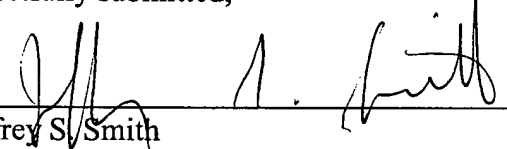
CONCLUSION

Entry of this Amendment, and allowance of the claims is respectfully requested. The Examiner may call the Assignee's attorney at (650) 849-4422 to further advance prosecution of this case to issuance.

If the Commissioner determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No. 50-2518, referencing billing no. 7015272001.

DATE: January 15, 2004

Respectfully submitted,

By: 
Jeffrey S. Smith
Registration No. 39,377

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